

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: <b>OKABE Masao</b>  <b>No.602, Fuji Bldg., 2-3,          Marunouchi 3-chome,          Chiyoda-ku, Tokyo          1000005          Japan</b>		<b>Date of mailing          (day/month/year)    08.3.2005</b>	
Applicant's or agent's file reference <b>10003610WO01</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. <b>PCT/JP2004/17042</b>	International filing date (day/month/year) <b>10.11.2004</b>	Priority date (day/month/year) <b>19.11.2003</b>	
International Patent Classification (IPC) or both national classification and IPC Int.Cl. <b>H04N 5/335, H04N 5/32, H01L27/146</b>			
Applicant <b>CANON KABUSHIKI KAISHA</b>			

1. This opinion contains indications relating to the following items:	
<input checked="" type="checkbox"/>	Box No. I    Basis of the opinion
<input type="checkbox"/>	Box No. II    Priority
<input type="checkbox"/>	Box No. III    Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input checked="" type="checkbox"/>	Box No. IV    Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V    Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI    Certain documents cited
<input type="checkbox"/>	Box No. VII    Certain defects in the international application
<input type="checkbox"/>	Box No. VIII    Certain observations on the international application
2. FURTHER ACTION  If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.  If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  For further options, see Form PCT/ISA/220.	
3. For further details, see notes to Form PCT/ISA/220.	

Date of completion of this opinion <div style="text-align: right; font-weight: bold;">16.02.2005</div>	
Name and mailing address of the ISA/JP  <div style="text-align: center; font-weight: bold;">Japan Patent Office</div> 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan	Authorized officer  <div style="text-align: center; font-weight: bold;">Kenji Tokuda</div> Telephone No. +81-3-3581-1101 Ext. 3502

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International application No.

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format  
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:

- ☐ paid additional fees  
☐ paid additional fees under protest  
☒ not paid additional fees

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

- ☐ complied with  
☒ not complied with for the following reasons:

The feature common to all of claims [1,2], [3-5], [6,7], [8], [9], [10], [11], [12], [13,14], [15], [16] is claim 1.

However, the search has revealed that claims 1,15 are not novel since these are disclosed in document 1(JP 2000-324398 A(SHARP CO., LTD.),2000.11.24, Fig 4, Fig5).

Consequently the common feature(claims 1,15) is not a special technical feature.

So, claims [1,2,15], [3-5], [6,7], [8], [9], [10], [11], [12], [13,14], [16] do not satisfy the requirement of unity of invention.

The technical feature of "constant current source" in claim 8 is well-known technology. So, claims 8 is linked claims 1

4. Consequently, this opinion has been established in respect of the following parts of the international application:

- ☐ all parts.  
☒ the parts relating to claims Nos. 1, 2, 8, 15

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	8	YES
	Claims	1, 2, 15	NO
Inventive step (IS)	Claims		YES
	Claims	1, 2, 8, 15	NO
Industrial applicability (IA)	Claims	1, 2, 8, 15	YES
	Claims		NO

2. Citations and explanations

D1:JP2002-148342 A (Canon Kabushiki Kaisha) 2002.05.22

D2:JP2001-298663 A (SEMICONDUCTOR ENERGY LABORATORY CO.,LTD)  
2001.10.26

D3:JP10-108075 A (KABUSHIKI KAISHA TOSHIBA) 1998.04.24

D4:JP9-252434 A (KABUSHIKI KAISHA TOSHIBA) 1997.09.22

D5:JP2001-251555 A (Canon Kabushiki Kaisha) 2001.09.14

D6:JP2001-257938 A (Canon Kabushiki Kaisha) 2001.09.21

I .Novelty:claims 1,2,15

The subject matter of claim 1,2,15 does not appear to be novel with respect to D1,D2 and D3.

The cited document D1(see paragraph[0011],[0055],figs.1,15) ,D2(see paragraph[0102]-[0127],[0132]-[0182],figs.20-25,30-33) and D3(see paragraph[0021]-[0022],[0038], figs.4,5) discloses a photoelectric converting apparatus which comprised of photoelectric converting element; a resetting transistor; a readout transistor; a signal line; a selecting transistor; and a constant current source.

And said photoelectric converting element, said readout transistor, said signal line and said constant current source are formed on a single insulating substrate.

II .Inventive step:claims 8

The subject matter of claim 8 does not appear to involve an inventive step in view of the cited D1,D2,D3,D4,D5 and D6.

As is disclosed in D4(see figs.1,3,4,12), D5(see paragraph[0003] and figs.6), D6(see paragraph[0005],[0012],[0041],[0049] and figs.3,5,7,9), constant current source transistor in which a gate and a source are mutually connected is generally known to the person skilled in the art.